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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 UNITED STATES OF AMERICA,)
8 Plaintiff,)
9 v.) 2:12-CR-174-MMD-(PAL)
10 PATRICK ONEAL GERVAIS,)
11 Defendant.)

12 **AMENDED PRELIMINARY ORDER OF FORFEITURE**

13 This Court finds that on July 23, 2012, defendant PATRICK ONEAL GERVAIS pled guilty
14 to a One-Count Criminal Information charging him with Possession of Child Pornography in
15 violation of Title 18, United States Code, Section 2252A(a)(5)(B). Criminal Information, ECF No.
16 10; Minutes of Change of Plea Proceedings, ECF No. 16; Plea Memorandum, ECF No. 12;
17 Preliminary Order of Forfeiture, ECF No. 8.

18 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America
19 has shown the requisite nexus between the property set forth in the Forfeiture Allegations of the
20 Criminal Information and the Plea Memorandum and the offenses to which defendant PATRICK
21 ONEAL GERVAIS pled guilty. Criminal Information, ECF No. 10; Plea Memorandum, ECF No.
22 12.

23 The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section
24 2253(a)(1) and (a)(3):

- 25 a) any book, magazine, periodical, film, videotape, or other matter which contains
26 any such visual depiction, which was produced, transported, mailed, shipped, or

received; computer images, including movie and still image files, depicting a minor engaging in sexually explicit conduct and the diskettes and hard drives on which they are maintained;

- b) Acer laptop computer, serial number LXAKV0X935827126472500;
- c) Gateway computer, serial number 0040290047;
- d) Hitachi 2TB hard drive, serial number YAJDUXSV;
- e) Western Digital hard drive, serial number WD20000C033001; and
- f) Western Digital hard drive, serial number WX61A5026968T (“property”).

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America should seize the aforementioned property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of PATRICK ONEAL GERVAIS in the aforementioned property is forfeited and is vested in the United States of America and shall be safely held by the United States of America until further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America shall publish for at least thirty (30) consecutive days on the official internet government forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the time under the applicable statute when a petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
2 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
3 following address at the time of filing:

4 Michael A. Humphreys
Assistant United States Attorney
5 Daniel D. Hollingsworth
Assistant United States Attorney
6 Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South, Suite 5000
7 Las Vegas, Nevada 89101.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
9 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
10 following publication of notice of seizure and intent to administratively forfeit the above-
11 described property.

12 DATED this 30th day of October, 2012.

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16 UNITED STATES DISTRICT JUDGE
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PROOF OF SERVICE

I, Ray Southwick, Forfeiture Support Associates Paralegal, certify that the following individual was served with a copy of the foregoing on October 25, 2012, by the below identified method of service:

CM/ECF:

Paul Riddle
Federal Public Defender
411 E. Bonneville Suite 250
Las Vegas, NV 89101
ECF_Vegas@fd.org
Attorney for Patrick Oneal Gervais

/s/ Ray Southwick
Ray Southwick
Forfeiture Support Associate Paralegal